

1
2
3
4
5
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 TERRY HAWES,)
11 Plaintiff,)
12 v.)
13 CARLOS LUNA,)
14 Defendant.)
15 _____)
16 No. C 07-3048 MJJ (PR))
17 **ORDER OF DISMISSAL**)
18 _____)

19 On June 29, 2007, this action was opened after being transferred from the Central
20 District of California. The action was opened in the Central District when that court received
21 a letter from plaintiff to a judge in this district. As the letter concerned prison conditions, the
22 Clerk of the Central District construed and filed it as a civil rights complaint pursuant to 42
23 U.S.C. § 1983. On the day this action was opened in this court, June 29, 2007, the Clerk
24 notified plaintiff in writing that the action was deficient due to the failure to pay the requisite
25 filing fee or, instead, submit a completed court-approved in forma pauperis ("IFP")
26 application, including a trust account statement showing balances for the last six months and
27 a certificate of trust account funds signed by a prison official. Along with this notice,
28 plaintiff was sent a copy of the Court's IFP application, instructions for completing it, and a
 return envelope. Plaintiff was informed that his failure, within thirty days, either to pay the
 filing fee or to file a completed IFP application, including the signed certificate of funds and
 N:\MJJ\HC Orders\hawes.dfp.wpd

United States District Court

1 the required trust account statement, would result in dismissal of this action without
2 prejudice. On July 20, 2007, the court received a letter from plaintiff concerning jail
3 conditions and other matters, but not addressing his failure to pay the filing fee or an IFP
4 application. No response from plaintiff to the deficiency notice has been received.

5 As more than thirty days have passed and plaintiff has not filed a completed IFP
6 application or paid the filing fee, this action is DISMISSED without prejudice.

7 The Clerk shall close the file.

8 IT IS SO ORDERED.

9 DATED: 8/8/2007

10 
11 MARTIN J. JENKINS
United States District Judge

12
13
14
15
16
17
18 United States District Court

19

20

21

22

23

24

25

26

27

28